United Nations S/2009/629

Security Council

Distr.: General
9 December 2009
English
Original: French

Letter dated 9 December 2009 from the President of the Security Council addressed to the Secretary-General

I have the honour to inform you that your letter dated 7 December 2009 (S/2009/628), concerning your intention to designate Major General Alberto Asarta Cuevas (Spain) as Head of Mission and UNIFIL Force Commander has been brought to the attention of the members of the Security Council, who have taken note thereof.

(*Signed*) Michel **Kafando**
President of the Security Council

09-64160 (E) 091209 091209

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United Nations A/64/560–S/2009/630

General Assembly
Security Council

Distr.: General
9 December 2009

Original: English

General Assembly
Sixty-fourth session
Agenda item 14
Protracted conflicts in the GUAM area and their implications for international peace, security and development

Security Council
Sixty-fourth year

Identical letters dated 8 December 2009 from the Permanent Representative of Georgia to the United Nations addressed to the Secretary-General and the President of the Security Council

I would like to focus your attention on yet another attempt to undermine the territorial integrity of Georgia and its sovereignty over the region of Abkhazia, Georgia, currently under Russian military occupation.

On 28 September 2009, Russia assigned its telephone codes to the occupied territory, in direct breach of the national legislation of Georgia and of international norms. The codes assigned are "7-840" for fixed lines and "7-940" for mobile users. Allow me to remind you that the dialling code "7" is the national country dialling code for Russia, which may not be used in or assigned to a part of a territory of another sovereign country, without the consent of the latter's Government.

Russia's unilateral and illegal decision to assign its dialling codes to a Georgian territory contravenes the fundamental standards and regulations of the International Telecommunication Union, in particular, its Recommendations E.212 and E.164.

This latest move by Russia represents a continuation of its policy aimed at undermining the sovereignty of Georgia over its region of Abkhazia using a variety of means, including the illegal use of its resources, air space and sea.

The Russian GSM operators, which are present on the occupied territory, have been operating in complete breach of the laws of Georgia regulating this type of activity. Specifically, they are not registered and have not been issued a licence by the national regulator, the Georgian National Communication Commission. The operators are using MCC and NMC codes (282-67 and 289-67 respectively), which are not provided by the Georgian National Communication Commission and are not registered with the International Telecommunication Union.

Georgia has already asked the International Telecommunication Union to take all appropriate measures to prevent Russia's illegal action.

09-64166 (E) 141209

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I should be grateful if the present letter could be circulated as a document of the General Assembly at its sixty-fourth session, under agenda item 14 "Protracted conflicts in the GUAM area and their implications for international peace, security and development".

(*Signed*) Alexander **Lomaia**
Permanent Representative

United Nations S/2009/631

Security Council

Distr.: General
9 December 2009

Original: English

Identical letters dated 3 December 2009 from the Permanent Representative of Egypt to the United Nations addressed to the Secretary-General and the President of the Security Council

I have the pleasure to write to you today, following my letter dated 11 September 2009 addressed to Susan E. Rice, Permanent Representative of the United States of America to the United Nations, in her capacity as President of the Security Council for the month of September 2009, and Ban Ki-moon, Secretary-General of the United Nations, in connection with the meeting of the Security Council, held at the level of Heads of State and Government on 24 September 2009, for consideration of the agenda item entitled "Nuclear non-proliferation and nuclear disarmament" (see S/2009/459), bringing to the attention of the Council the related paragraphs reflecting the position of the Non-Aligned Movement on that important issue, as incorporated in the Final Document adopted at the Fifteenth Summit of Heads of State and Government held in Sharm el-Sheikh, Egypt, on 16 July 2009.

In this connection, I have the pleasure to attach herewith copies of the letters dated 27 October 2009 from the Chairman of the Chapter of the Non-Aligned Movement in Vienna reflecting the views of the delegations of States members of the Movement accredited to the International Atomic Energy Agency and the Preparatory Commission for the Comprehensive Nuclear-Test-Ban Treaty Organization in Vienna addressed to the heads of both organizations, as endorsed by the Coordinating Bureau of the Non-Aligned Movement at its meeting on 2 December 2009, on the substantive content of Security Council resolution 1887 (2009) relating to the work and mandate of both organizations (see annexes I and II).

I wish further to inform you that the Coordinating Bureau of the Non-Aligned Movement is still in the process of conducting a comprehensive evaluation of all substantive aspects of the resolution and will be communicating to you the result of this evaluation.

I request that the present letter and its annexes be circulated as a document of the Security Council.

(*Signed*) Maged A. **Abdelaziz**
Ambassador
Permanent Representative

09-64174 (E) 151209

Please recycle

Annex I to the identical letters dated 3 December 2009 from the Permanent Representative of Egypt to the United Nations addressed to the Secretary-General and the President of the Security Council

I have the honour to write to you on behalf of the Vienna Chapter of the Non-Aligned Movement (NAM).

The United States of America decided to request a meeting of the Security Council, at the level of Heads of State and Government, on 24 September 2009, to consider the agenda item "Nuclear non-proliferation and nuclear disarmament".

On 11 September 2009, the Permanent Representative of the Arab Republic of Egypt to the United Nations sent a letter, on behalf of the member States of the Non-Aligned Movement (NAM), to the Secretary-General of the United Nations and the President of the Security Council (United States of America). The letter brought to their attention the related paragraphs reflecting the positions of NAM on this important issue, as confirmed in the Final Document adopted by the Fifteenth Summit of Heads of State and Government of the Non-Aligned Movement held in Sharm el-Sheikh, Egypt, on 16 July 2009. The Permanent Representative of Egypt then requested, on behalf of NAM, that the letter and its attachment be circulated as a document of the Security Council and distributed to the members of the Council. Accordingly, it was distributed as document S/2009/459.

NAM hoped that the deliberations of the Security Council on this issue would have been enriched by its contribution, and that NAM positions would have been duly taken into consideration in the formulation of any document to be adopted by the Council at the end of this important Summit. However, several key issues addressed by resolution 1887 (2009), adopted by the Council at its 6191st meeting on 24 September 2009, are testimony to the contrary.

In this context, I wish, on behalf of the Vienna Chapter of NAM, to address the following most salient points raised by this resolution relating to the work of the International Atomic Energy Agency (IAEA):

1. Calling upon States to adopt stricter national controls for the export of sensitive goods and technologies of the nuclear fuel cycle (para. 13); and urging the IAEA Board of Governors to agree as soon as possible upon measures towards multilateral approaches to the nuclear fuel cycle, including assurances of nuclear fuel supply and related measures, as effective means of addressing the expanding need for nuclear fuel and nuclear fuel services and minimizing the risk of proliferation (para. 14).

2. Encouraging States to require, as a condition of nuclear exports, that the recipient State agree that, in the event that it should terminate, withdraw from or be found by the IAEA Board of Governors to be in non-compliance with its IAEA safeguards agreement, the supplier State would have a right to require the return of nuclear material and equipment provided prior to such termination, non-compliance or withdrawal, as well as any special nuclear material produced through the use of such material or equipment (para. 18).

3. Encouraging States to consider whether a recipient State has signed and ratified an additional protocol based on the model additional protocol in making nuclear export decisions (para. 19).

4. Urging States to require as a condition of nuclear exports that the recipient State agree that, in the event that it should terminate its IAEA safeguards agreement, safeguards shall continue with respect to any nuclear material and equipment provided prior to such termination, as well as any special nuclear material produced through the use of such material or equipment (para. 20).

In this regard, NAM would like to reiterate the following principled positions:

1. NAM underlines that IAEA is an independent intergovernmental organization related to the United Nations system, with a technical and promotional role in the area of peaceful use of nuclear science and technology. It acts as the sole agency for the application of nuclear safeguards and remains the most appropriate multilateral forum to address nuclear verification and safeguards issues. It is also the global focal point for providing technical cooperation with a view to enlarging the contribution of atomic energy to peace, health and prosperity throughout the world.

2. NAM reiterates its support for all efforts directed towards enhancing the work of the IAEA in all its aspects, within its legal authority under the statute, bearing in mind the basic and inalienable right of member States to engage in research, production and use of nuclear energy for peaceful purposes without discrimination.

3. While NAM is fully aware of the importance of nuclear safeguards and nuclear safety, it opposes any attempts that aim to reverse the order of priorities of the Agency by giving primacy to safeguards and safety considerations in a manner that leads to the restriction of the promotional role of the Agency.

4. Moreover, NAM emphasizes the IAEA Board of Governors' primary statutory responsibility in addressing safeguards issues in the event of failure of the recipient State or States to take fully corrective action within a reasonable time in case of non-compliance with its Agency safeguards undertakings. It is solely the Board, as per article XII (c) of the IAEA statute, "that may [then] take one or both of the following measures: direct curtailment or suspension of assistance being provided by the Agency or by a member, and call for the return of materials and equipment made available to the recipient member or group of members".

5. NAM strongly rejects setting new conditions and prerequisites for nuclear exports that are contrary to the statute of the IAEA.

6. NAM reiterates that the Agency is not yet in a position to draw any conclusions or make any decisions or recommendations regarding multilateral approaches to the nuclear fuel cycle, including assurances of nuclear fuel supply and related measures. Therefore, further consideration of this issue must be based on a coherent and comprehensive conceptual framework that adequately addresses the views and concerns of the Non-Aligned Movement. NAM recommends that, subject to the provisions of the statute, any decision regarding the implementation of any proposal in this regard be taken by consensus by the General Conference, to take into account the views and concerns of all member States.

7. In the meantime, NAM underscores that all member States of the Agency in the context of their respective legal obligations conclude safeguards agreements with the Agency to ensure that assistance is not used in such a way as to further any military purpose. Having undertaken these obligations, there is no basis for excluding any "sensitive" materials or technologies based on the assumption that these materials or technologies are regarded as having "proliferation risks".

8. NAM also notes with concern that there have been cases in which some of the Agency's documents assumed that access to certain peaceful nuclear technologies represent a threat to international peace and security. NAM expresses its strong rejection of any attempt by any member State to use the technical cooperation programme of IAEA as a tool for political purposes in violation of its statute.

9. NAM reaffirms that a clear distinction has to be made between the legal obligations of member States under their respective safeguards agreements and their voluntary undertakings, in order to ensure that such voluntary undertakings are not turned into legal safeguards obligations.

10. NAM further reaffirms that member States that have concerns regarding non-compliance by other member States with their safeguards agreements should direct such concerns along with supporting evidence and information to the IAEA, to consider, investigate, draw conclusions and decide on necessary actions in accordance with its statute.

NAM also regrets that the Security Council, while emphasizing its primary responsibility in addressing threats to international peace and security in its resolution 1887 (2009), failed to recognize the need for a comprehensive multilaterally negotiated instrument prohibiting attacks or threat of attack on nuclear facilities devoted to peaceful uses of nuclear energy.

NAM believes that through its principled positions, it has contributed in an open and constructive manner to important issues raised within the Agency in all aspects of its work. Although Security Council resolution 1887 (2009) fails to reflect these views, NAM continues to look forward to a constructive dialogue within the framework of IAEA, in which these views are appropriately addressed.

Finally, given the relevance of this issue, I would kindly request you, on behalf of the Vienna Chapter of NAM, to distribute the present letter as a document of the Agency.

(*Signed*) Ehab **Fawzy**
Chairman of the Non-Aligned Movement
Vienna Chapter

Annex II to the identical letters dated 3 December 2009 from the Permanent Representative of Egypt to the United Nations addressed to the Secretary-General and the President of the Security Council

I have the honour to write to you on behalf of the States members of the Vienna Chapter of the Non-Aligned Movement (NAM) who are also signatories to the Comprehensive Nuclear-Test-Ban Treaty (CTBT).

The Security Council, in a meeting at the level of Heads of State and Government, convened on 24 September 2009, considered the agenda item entitled "Nuclear non-proliferation and nuclear disarmament". With a view to enriching the debate as well as the possible outcome of the Security Council on this item, the Permanent Representative of the Arab Republic of Egypt to the United Nations sent a letter, on behalf of the member States of the Non-Aligned Movement (NAM), to the Secretary-General of the United Nations and the President of the Security Council (United States of America). The letter brought to their attention the related paragraphs reflecting the positions of NAM on this important issue, as adopted at the Fifteenth Summit of Heads of State and Government of the Non-Aligned Movement held in Sharm el-Sheikh, Egypt, on 16 July 2009 (S/2009/459).

Resolution 1887 (2009) adopted by the Security Council contains only one operative paragraph (para. 7) related to the work of the Preparatory Commission for the Comprehensive Nuclear-Test-Ban Treaty Organization (CTBTO), which "calls upon all States to refrain from conducting a nuclear test explosion and to sign and ratify the CTBT, thereby bringing the treaty into force at an early date".

NAM hoped that the deliberations of the Security Council on this issue would have been more thoroughly enriched by its contribution.

NAM would like to bring to your attention that it is of the view that paragraph 7 of resolution 1887 (2009) must be viewed in the wider context of nuclear disarmament and non-proliferation. In this regard, it is appropriate at this juncture to recall the following principled positions of the Movement on this issue:

1. NAM stresses the significance of achieving universal adherence to CTBT, including by all nuclear-weapon States, which, inter alia, should contribute to the process of nuclear disarmament.

2. Nevertheless, NAM reiterates that for the objectives of the Treaty to be fully realized, the continued commitment of all States signatories, especially the nuclear-weapon States, to nuclear disarmament is essential, as well as implementing the agreements of the 1995 Review and Extension Conference of the Non-Proliferation Treaty (NPT) and the Final Document of the 2000 Review Conference of the NPT, including the implementation of the 13 practical steps for systematic and progressive efforts to implement article VI of the Treaty.

3. Clearly, improvements in existing nuclear weapons and the development of new types of weapons contravene the security assurances provided by the nuclear-weapon States. NAM reaffirms that these improvements as well as the development of new types of such weapons violate the commitments undertaken by the nuclear-weapon States, at the time of the conclusion of the CTBT, to ensure that the Treaty would halt both vertical and horizontal proliferation, thereby preventing

the appearance of new types of nuclear devices, as well as nuclear weapons based on new physical principles.

4. In this regard, NAM strongly calls upon the five nuclear-weapon States, as well as those States that possess unsafeguarded nuclear capabilities to observe the spirit and letter of the CTBT.

NAM would like to reaffirm its full support for the objectives of CTBT and its Preparatory Commission. In this regard, while calling on those States whose ratifications are required for entry into force of the Treaty, and who are in a position to do so, to ratify it, NAM urges in particular the two remaining nuclear-weapon States listed in annex 2 to ratify the Treaty without delay. NAM also urges those States in annex 2, who have not even signed the Treaty, to sign and ratify it without delay.

Finally, given the relevance of this issue, I would kindly request you, on behalf of the States members of the Vienna Chapter of NAM who are also signatories to CTBT, to distribute the present letter as a document of the Preparatory Commission for CTBTO.

(*Signed*) Ehab **Fawzy**
Chairman of the Non-Aligned Movement
Vienna Chapter

United Nations A/64/561–S/2009/632

General Assembly
Security Council

Distr.: General
9 December 2009

Original: English

General Assembly
Sixty-fourth session
Agenda item 96
General and complete disarmament

Security Council
Sixty-fourth year

Letter dated 8 December 2009 from the Permanent Representative of Ukraine to the United Nations addressed to the Secretary-General

On behalf of my delegation, I have the honour to transmit herewith the statement by Mr. Victor Yushchenko, President of Ukraine, on the occasion of the fifteenth anniversary of the Budapest Memorandum (see annex).

I should be grateful if the present letter and its annex could be circulated as a document of the General Assembly, under agenda item 96, and of the Security Council.

(*Signed*) Yuriy **Sergeyev**
Ambassador
Permanent Representative

09-64311 (E) 141209

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Annex to the letter dated 8 December 2009 from the Permanent Representative of Ukraine to the United Nations addressed to the Secretary-General

Statement by Mr. Victor Yushchenko, President of Ukraine, on the occasion of the fifteenth anniversary of the Budapest Memorandum

Today we mark the fifteenth anniversary of the Budapest Memorandum, which provided national security assurances to Ukraine on behalf of the United States, the Russian Federation and Great Britain. Later, China and France joined its provisions in the form of individual statements.

This document is unique, because the guarantees were provided to Ukraine as a nation that voluntarily forswore its nuclear arsenal. The Budapest Memorandum was signed right before the adoption by the Verkhovna Rada of its historic decision on Ukraine's accession to the Treaty on the Non-Proliferation of Nuclear Weapons as a non-nuclear-weapon State and — as a successor to the Union of Soviet Socialist Republics — to the Treaty on the Reduction and Limitation of Strategic Offensive Arms (START I), which is expiring today.

Let me recall that 1,950 units of strategic nuclear weapons and 2,883 units of tactical nuclear weapons were deployed on the territory of Ukraine at that time. It was the third-largest nuclear and missile arsenal in the world, more powerful than the nuclear forces of Great Britain, France and China combined.

During the last 15 years, Ukraine has not only been an exemplary nation that has voluntarily forsworn its nuclear weapons and entrusted its national security to the international community, but has also been taking an active part in strengthening strategic stability.

The world of today is rapidly changing, and we have to acknowledge that since the signing of the Budapest Memorandum it has not become safer. Unfortunately, not all States have refrained from using force to secure their foreign policy and economic interests. We observe dangerous trends in the field of the proliferation of weapons of mass destruction. In fact, the number of nuclear nations across the globe has increased.

Europe is still divided into blocs, while Ukraine remains the largest European nation which is not party to any military and political alliances. Lying between two defence alliances — the North Atlantic Treaty Organization and the Collective Security Treaty Organization — we perceive ourselves increasingly as a territory which has been assigned the role of a boundary land.

In spite of these circumstances, Ukraine remains committed to the principles of peaceful coexistence. Aspiring to become an integral part of the European security space, we have clearly defined Euro-Atlantic integration as our strategic priority.

The growing complexity of the global and European security architecture requires that Ukraine take effective steps to strengthen existing international security guarantees.

It is imperative to develop a new international legal instrument, as a follow-up to the Budapest Memorandum, which would respond to new challenges to the national security of Ukraine.

We are aware that this goal can be achieved only together with those countries which 15 years ago committed to fully guaranteeing Ukraine's national security as a fundamental prerequisite for the future development of our independent country.

Guided by these arguments, I addressed the leaders of the five nuclear nations — China, France, Great Britain, the Russian Federation and the United States of America — with the proposal to hold negotiations with a view to reconfirming and enhancing the existing security guarantees to Ukraine. We hope that this legitimate request of a nation which, by its own example, has proved to the world the reality of global nuclear disarmament, will be heard and supported.

Celebrating today the historic role played by the Budapest Memorandum in ensuring global and regional stability, we wish to recall once again our right to count on an effective collective approach towards Ukraine by the guarantor States, which has to be spelled out in a respective multilateral document.

We believe that such a step will not only serve as a factor to balance the security environment at our borders, but also enable us to eliminate the remnants of dividing lines on the European continent, becoming a reliable instrument for Ukraine's development as a peaceful, stable, prosperous and free nation in the heart of Europe.

United Nations S/2009/633

Security Council

Distr.: General
9 December 2009
English
Original: French

Letter dated 7 December 2009 from the Secretary-General addressed to the President of the Security Council

I have the honour to convey to you the attached letter, dated 1 December 2009, sent to me by the Director General of the International Atomic Energy Agency, Mr. Yukiya Amano.

I would be most appreciative if you would be so kind as to bring this letter and its annex to the attention of the members of the Security Council.

(*Signed*) **BAN** Ki-moon

09-64199 (E) 101209 101209

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Annex

Letter dated 1 December 2009 from the Director General of the International Atomic Energy Agency addressed to the President of the Security Council

In accordance with paragraph 7 of the resolution GOV/2009/82 as adopted by the IAEA Board of Governors at its meeting held on 27 November 2009 relating to the implementation of the Safeguards Agreements between the Islamic Republic of Iran (Iran) and the International Atomic Energy Agency in connection with the Treaty on Non-Proliferation of Nuclear Weapons, I enclose herewith the resolution as requested by the Board of Governors.

I should be grateful if you would bring this letter and its enclosure to the attention of all Members of the Security Council.

(*Signed*) Yukiya **Amano**

Enclosure

Implementation of the NPT safeguards agreement and relevant provisions of Security Council resolutions 1737 (2006), 1747 (2007), 1803 (2008) and 1835 (2008) in the Islamic Republic of Iran (GOV/2009/82)

Resolution adopted by the Board of Governors on 27 November 2009

The Board of Governors,

(a) *Recalling* the Resolutions adopted by the Board and the UNSC,

(b) *Commending* the Director General for his professional and impartial efforts to implement the Safeguards Agreement in Iran, to resolve outstanding safeguards issues in Iran and to verify the implementation by Iran of the suspension,

(c) *Stressing* the important role played by the IAEA in resolving the Iranian nuclear issue and *reaffirming* the Board's resolve to continue to work for a diplomatic solution to the Iranian nuclear issue,

(d) *Reaffirming* the inalienable rights of all the parties to the Non-Proliferation Treaty to develop research, production and use of nuclear energy for peaceful purposes in accordance with Article IV of the NPT,

(e) *Commending* the Director General for his proposal of an Agreement between the International Atomic Energy Agency and the Governments of the Republic of France, the Islamic Republic of Iran and the Russian Federation for Assistance in Securing Nuclear Fuel for a Research Reactor in Iran for the Supply of Nuclear Fuel to the Tehran Research Reactor; *appreciating* the intensive efforts of the Director General to achieve an agreement on his proposal,

(f) *Noting* with serious concern that Iran continues to defy the requirements and obligations contained in the relevant IAEA Board of Governors and United Nations Security Council resolutions,

(g) *Also noting* with serious concern that Iran has constructed an enrichment facility at Qom in breach of its obligation to suspend all enrichment related activities and that Iran's failure to notify the Agency of the new facility until September 2009 is inconsistent with its obligations under the Subsidiary Arrangements to its Safeguards Agreement,

(h) *Affirming* that Iran's failure to inform the Agency, in accordance with the provisions of the revised Code 3.1, of the decision to construct, or to authorize construction of, a new facility as soon as such a decision is taken, and to submit information as the design is developed, does not contribute to the building of confidence,

(i) *Underlining* that Iran's declaration of the new facility reduces the level of confidence in the absence of other nuclear facilities and gives rise to questions about whether there are any other nuclear facilities under construction in Iran which have not been declared to the Agency,

(j) *Noting* with serious concern that, contrary to the request of the Board of Governors and the requirements of the Security Council, Iran has neither implemented the Additional Protocol nor cooperated with the Agency in connection

with the remaining issues of concern, which need to be clarified to exclude the possibility of military dimensions to Iran's nuclear programme,

(k) *Emphasizing* the Director General's assertion that unless Iran implements the Additional Protocol and, through substantive dialogue, clarifies the outstanding issues to the satisfaction of the Agency, the Agency will not be in a position to provide credible assurance about the absence of undeclared nuclear material and activities in Iran, and

(l) *Noting* that the Director General has repeatedly declared that he is unable to verify that Iran's programme is for exclusively peaceful purposes,

1. *Urges* Iran to comply fully and without delay with its obligations under the above-mentioned resolutions of the Security Council, and to meet the requirements of the Board of Governors, including by suspending immediately construction at Qom;

2. *Urges* Iran to engage with the Agency on the resolution of all outstanding issues concerning Iran's nuclear programme and, to this end, to cooperate fully with the IAEA by providing such access and information that the Agency requests to resolve these issues;

3. *Urges* Iran to comply fully and without qualification with its safeguards obligations, to apply the modified Code 3.1 and implement and ratify promptly the Additional Protocol;

4. *Urges* Iran specifically to provide the Agency with the requested clarifications regarding the purpose of the enrichment plant at Qom and the chronology of its design and construction;

5. *Calls on* Iran to confirm, as requested by the Agency, that Iran has not taken a decision to construct, or authorize construction of, any other nuclear facility which has as yet not been declared to the Agency;

6. *Requests* the Director General to continue his efforts to implement the Safeguards Agreement in Iran, resolve the outstanding issues which give rise to concerns, and which need to be clarified to exclude the existence of possible military dimensions to Iran's nuclear programme, and to implement the relevant provisions of UNSC resolutions;

7. *Further requests* the Director General to report this resolution to the UNSC; and

8. *Decides* to remain seized of the matter.

United Nations S/2009/633*

Security Council

Distr.: General
11 December 2009

Original: French

Letter dated 7 December 2009 from the Secretary-General addressed to the President of the Security Council

I have the honour to convey to you the attached letter, dated 1 December 2009, sent to me by the Director General of the International Atomic Energy Agency, Mr. Yukiya Amano (see annex).

I would be most appreciative if you would be so kind as to bring the present letter and its annex to the attention of the members of the Security Council.

(*Signed*) **BAN** Ki-moon

* Reissued for technical reasons.

09-64199* (E) 111209

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Annex

Letter dated 1 December 2009 from the Director General of the International Atomic Energy Agency addressed to the President of the Security Council

[Original: English]

In accordance with paragraph 7 of resolution GOV/2009/82, adopted by the Board of Governors of the International Atomic Energy Agency (IAEA) at its meeting held on 27 November 2009, relating to the implementation of the safeguards agreement between the Islamic Republic of Iran (Iran) and IAEA in connection with the Treaty on the Non-Proliferation of Nuclear Weapons, I enclose herewith the resolution as requested by the Board of Governors (see enclosure).

I should be grateful if you would bring the present letter and its enclosure to the attention of all members of the Security Council.

(*Signed*) Yukiya **Amano**

Enclosure

Implementation of the NPT safeguards agreement and relevant provisions of Security Council resolutions 1737 (2006), 1747 (2007), 1803 (2008) and 1835 (2008) in the Islamic Republic of Iran (GOV/2009/82)

Resolution adopted by the Board of Governors on 27 November 2009

The Board of Governors,

(a) *Recalling* the Resolutions adopted by the Board and the UNSC,

(b) *Commending* the Director General for his professional and impartial efforts to implement the Safeguards Agreement in Iran, to resolve outstanding safeguards issues in Iran and to verify the implementation by Iran of the suspension,

(c) *Stressing* the important role played by the IAEA in resolving the Iranian nuclear issue and *reaffirming* the Board's resolve to continue to work for a diplomatic solution to the Iranian nuclear issue,

(d) *Reaffirming* the inalienable rights of all the parties to the Non-Proliferation Treaty to develop research, production and use of nuclear energy for peaceful purposes in accordance with Article IV of the NPT,

(e) *Commending* the Director General for his proposal of an Agreement between the International Atomic Energy Agency and the Governments of the Republic of France, the Islamic Republic of Iran and the Russian Federation for Assistance in Securing Nuclear Fuel for a Research Reactor in Iran for the Supply of Nuclear Fuel to the Tehran Research Reactor; *appreciating* the intensive efforts of the Director General to achieve an agreement on his proposal,

(f) *Noting* with serious concern that Iran continues to defy the requirements and obligations contained in the relevant IAEA Board of Governors and United Nations Security Council resolutions,

(g) *Also noting* with serious concern that Iran has constructed an enrichment facility at Qom in breach of its obligation to suspend all enrichment related activities and that Iran's failure to notify the Agency of the new facility until September 2009 is inconsistent with its obligations under the Subsidiary Arrangements to its Safeguards Agreement,

(h) *Affirming* that Iran's failure to inform the Agency, in accordance with the provisions of the revised Code 3.1, of the decision to construct, or to authorize construction of, a new facility as soon as such a decision is taken, and to submit information as the design is developed, does not contribute to the building of confidence,

(i) *Underlining* that Iran's declaration of the new facility reduces the level of confidence in the absence of other nuclear facilities and gives rise to questions about whether there are any other nuclear facilities under construction in Iran which have not been declared to the Agency,

(j) *Noting* with serious concern that, contrary to the request of the Board of Governors and the requirements of the Security Council, Iran has neither implemented the Additional Protocol nor cooperated with the Agency in connection

with the remaining issues of concern, which need to be clarified to exclude the possibility of military dimensions to Iran's nuclear programme,

(k) *Emphasizing* the Director General's assertion that unless Iran implements the Additional Protocol and, through substantive dialogue, clarifies the outstanding issues to the satisfaction of the Agency, the Agency will not be in a position to provide credible assurance about the absence of undeclared nuclear material and activities in Iran, and

(l) *Noting* that the Director General has repeatedly declared that he is unable to verify that Iran's programme is for exclusively peaceful purposes,

1. *Urges* Iran to comply fully and without delay with its obligations under the above-mentioned resolutions of the Security Council, and to meet the requirements of the Board of Governors, including by suspending immediately construction at Qom;

2. *Urges* Iran to engage with the Agency on the resolution of all outstanding issues concerning Iran's nuclear programme and, to this end, to cooperate fully with the IAEA by providing such access and information that the Agency requests to resolve these issues;

3. *Urges* Iran to comply fully and without qualification with its safeguards obligations, to apply the modified Code 3.1 and implement and ratify promptly the Additional Protocol;

4. *Urges* Iran specifically to provide the Agency with the requested clarifications regarding the purpose of the enrichment plant at Qom and the chronology of its design and construction;

5. *Calls on* Iran to confirm, as requested by the Agency, that Iran has not taken a decision to construct, or authorize construction of, any other nuclear facility which has as yet not been declared to the Agency;

6. *Requests* the Director General to continue his efforts to implement the Safeguards Agreement in Iran, resolve the outstanding issues which give rise to concerns, and which need to be clarified to exclude the existence of possible military dimensions to Iran's nuclear programme, and to implement the relevant provisions of UNSC resolutions;

7. *Further requests* the Director General to report this resolution to the UNSC; and

8. *Decides* to remain seized of the matter.

United Nations S/2009/634

Security Council

Distr.: General
10 December 2009

Original: English

Letter dated 2 December 2009 from the Permanent Representative of the Islamic Republic of Iran to the United Nations addressed to the Secretary-General

Upon instructions from my Government, I have the honour to transmit herewith a copy of the note verbale, dated 24 October 2009, from the Ministry of Foreign Affairs of the Islamic Republic of Iran addressed to the Embassy of Switzerland (Interests Section of the United States of America) in Tehran, concerning the unlawful attack by the United States Navy in the Persian Gulf against an Iranian fishing boat, which caused it to sink (see annex).

I should be grateful if you would have the present letter and its annex circulated as a document of the Security Council.

(*Signed*) Mohammad **Khazaeei**
Ambassador
Permanent Representative

09-64419 (E) 111209 141209

Please recycle

Annex to the letter dated 2 December 2009 from the Permanent Representative of the Islamic Republic of Iran to the United Nations addressed to the Secretary-General

The Ministry of Foreign Affairs of the Islamic Republic of Iran presents its compliments to the Embassy of Switzerland to the Islamic Republic of Iran, Interests Section of the United States of America, and has the honour to state the following.

The competent authorities of the Islamic Republic of Iran report that on 23 Shahrivar 1388 (15 September A.D. 2009), two United States vessels with crews totalling around 20 individuals attacked a fishing vessel sailing under the flag of the Islamic Republic of Iran. The incident took place at longitude 27° 16' N, latitude 51° 36' E, within the exclusive economic zone of the Islamic Republic of Iran. After illegally searching and fingerprinting the crew of the vessel, the United States crew opened fire on its fuel tank, causing the vessel to catch fire and sink. The crews of the United States vessels belonged to the destroyer USS John Paul Jones (DDG 53).

The Ministry of Foreign Affairs of the Islamic Republic of Iran strongly protests this illegal action on the part of United States forces, and requests an explanation of the reasons for the action and compensation for the losses incurred by the owner of the Iranian fishing vessel. The Government of the United States of America is plainly responsible for any threat to security in the Persian Gulf and any disruption affecting the security of maritime traffic that may arise as a result of such illegal actions.

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The situation in the Middle East

Security Council
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Identical letters dated 9 December 2009 from the Chargé d'affaires a.i. of the Permanent Mission of Lebanon to the United Nations addressed to the Secretary-General and the President of the Security Council

On instructions from my Government, I transmit to you herewith a statistical summary of Israeli violations committed from 16 to 30 November 2009 (see annex).

I should be grateful if you would have the present letter and its annex circulated as a document of the sixty-fourth session of the General Assembly, under agenda item 15, and of the Security Council.

(*Signed*) Caroline **Ziade**
Chargé d'affaires a.i.

09-64473 (E) 151209 151209

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Annex to the identical letters dated 9 December 2009 from the Chargé d'affaires a.i. of the Permanent Mission of Lebanon to the United Nations addressed to the Secretary-General and the President of the Security Council

Israeli violations, acts of aggression and other activities from 16 to 30 November 2009

Air violations

On 16 November 2009, between 0700 and 1135 hours, an Israeli enemy reconnaissance aircraft violated Lebanese airspace, entering over Naqurah. It proceeded north as far as Beirut and circled over Beirut and the southern regions before leaving over Alma al-Sha'b.

On 18 November 2009:

- Between 0915 and 1515 hours, an Israeli enemy reconnaissance aircraft violated Lebanese airspace, entering over Kafr Killa. It proceeded north and circled over all Lebanese regions before leaving over Rumaysh;
- Between 1322 and 1500 hours, two Israeli enemy warplanes violated Lebanese airspace, entering over Kafr Killa. They proceeded north as far as Tripoli before leaving over Alma al-Sha'b.

On 19 November 2009:

- Between 0720 and 1505 hours, an Israeli enemy reconnaissance aircraft violated Lebanese airspace, entering over Naqurah. It circled over the southern regions before leaving over Naqurah;
- Between 0820 and 1630 hours, an Israeli enemy reconnaissance aircraft violated Lebanese airspace, entering over Alma al-Sha'b. It circled over Beirut, Riyaq and Baalbek before leaving over Rumaysh.

On 20 November 2009:

- Between 1030 and 1100 hours, eight Israeli enemy warplanes violated Lebanese airspace as follows: six entered over Naqurah and two entered over Alma al-Sha'b. They proceeded north-east as far as Hirmil and circled over all Lebanese regions. Two of the warplanes left over Naqurah and the remaining six over the sea off Naqurah;
- Between 1035 and 1055 hours, four Israeli enemy warplanes violated Lebanese airspace, entering over the sea off Juniyah. They proceeded east as far as Hirmil and circled over all Lebanese regions before leaving over the sea off Naqurah;
- Between 1107 and 1128 hours, two Israeli enemy warplanes violated Lebanese airspace, entering over Kafr Killa. They proceeded north as far as Shikka before heading south and leaving over Alma al-Sha'b;
- Between 0730 and 1900 hours, an Israeli enemy reconnaissance aircraft violated Lebanese airspace, entering over Naqurah. It proceeded north and circled over the South before leaving over Naqurah.

On 21 November 2009, between 0710 and 1900 hours, an Israeli enemy reconnaissance aircraft violated Lebanese airspace, entering over Rumaysh. It circled over the southern regions before leaving over Naqurah.

On 22 November 2009:

- Between 0705 and 1025 hours, an Israeli enemy reconnaissance aircraft violated Lebanese airspace, entering over Naqurah. It circled over Riyaq and Baalbek before leaving over Rumaysh;

- Between 1105 and 1115 hours, two Israeli enemy warplanes violated Lebanese airspace, entering over the sea off Shikka. They proceeded south over the sea to a point five miles off Jubayl before heading in the direction of Turkey.

On 23 November 2009:

- Between 1015 and 1145 hours, six Israeli enemy warplanes violated Lebanese airspace, entering over Kafr Killa. They proceeded north and circled over all Lebanese regions before leaving over Alma al-Sha'b;

- Between 0915 and 1730 hours, an Israeli enemy reconnaissance aircraft violated Lebanese airspace, entering over Rumaysh. It circled over the South before leaving over Alma al-Sha'b.

On 24 November 2009:

- Between 0710 and 1035 hours, an Israeli enemy reconnaissance aircraft violated Lebanese airspace, entering over Naqurah. It proceeded north and circled over the southern region and then between Beirut and the South before leaving over the sea off Naqurah;

- Between 0745 and 1040 hours, an Israeli enemy reconnaissance aircraft violated Lebanese airspace, entering over Alma al-Sha'b. It proceeded north and circled over the southern region and then between Beirut and the South before leaving over the sea off Naqurah;

- Between 1030 and 1120 hours, four Israeli enemy warplanes violated Lebanese airspace, entering over the sea off Shikka. They proceeded east and circled over all Lebanese regions before leaving over Rumaysh.

On 26 November 2009:

- Between 0703 and 1005 hours, an Israeli enemy reconnaissance aircraft violated Lebanese airspace, entering over Alma al-Sha'b. It proceeded north as far as eastern Sidon. It then circled over the South before leaving over Rumaysh;

- At 0703 hours, an Israeli enemy reconnaissance aircraft violated Lebanese airspace, entering over Naqurah. It proceeded north as far as Nabatiyah and circled over the South before leaving over Rumaysh on 27 November 2009 at 0325 hours.

On 27 November 2009:

- Between 0930 and 1700 hours, an Israeli enemy reconnaissance aircraft violated Lebanese airspace, entering over Naqurah. It proceeded north and circled over the southern region before leaving over Alma al-Sha'b.

On 27 November 2009, between 0700 and 1100 hours, a number of phone calls originating from abroad were received on civilian landline phones. The calls, which were made by the Israeli enemy, stated that $10 million would be paid to anyone who provided information regarding the Israeli soldiers missing in Lebanon.

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Identical letters dated 9 December 2009 from the Chargé d'affaires a.i. of the Permanent Mission of Lebanon to the United Nations addressed to the Secretary-General and the President of the Security Council

On instructions from my Government, I transmit to you herewith a statistical table of the violations committed by Israel by air, sea and land during the month of November 2009 (see annex).

I should be grateful if you would have the present letter and its annex circulated as a document of the sixty-fourth session of the General Assembly, under agenda item 15, and of the Security Council.

(*Signed*) Caroline **Ziade**
Chargé d'affaires a.i.

09-64480 (E) 151209 151209

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Annex to the identical letters dated 9 December 2009 from the Chargé d'affaires a.i. of the Permanent Mission of Lebanon to the United Nations addressed to the Secretary-General and the President of the Security Council

Statistical table showing Israeli violations during November 2009

Air violations					*Land violations*					
Military jet	*Reconnaissance*	*Helicopter*	*Total*	*Sea violations*	*Military acts of aggression*	*Field violations*	*Breaches*	*Total*	*Overall total*	*Previous month's violations*
				Violation of territorial waters, and firing of automatic weapons, flares and flare shells over territorial waters	Artillery shelling, detonation of explosives, listening devices	Shining of searchlights, inappropriate gestures, interference in telephone network	Setting up of installations inside Lebanese territory			
11	30	—	41	4	—	17	—	17	62	65

United Nations S/2009/637

Security Council

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Letter dated 8 December 2009 from the Secretary-General addressed to the President of the Security Council

I have the honour to recall to your attention the matter of the United Nations Operation in Côte d'Ivoire. That Operation was created by the Security Council pursuant to resolution 1528 (2004) and its mandate was extended pursuant to resolution 1880 (2009).

I have to inform you that, following the usual consultations, I intend to appoint Major General Abdul Hafiz (Bangladesh) as Operation Force Commander with effect from 1 January 2010. Major General Abdul Hafiz will replace Major General Fernand Marcel Amoussou (Benin), whose tour of duty will end on 31 December 2009. I would like to express my gratitude to Major General Amoussou for the valuable assistance he has provided to the Operation.

I should be grateful if you would bring this letter to the attention of the members of the Security Council.

(*Signed*) **BAN** Ki-moon

09-64579 (E) 111209 111209

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United Nations S/2009/638

Security Council

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11 December 2009
English
Original: French

Letter dated 10 December 2009 from the President of the Security Council addressed to the Secretary-General

I have the honour to inform you that your letter dated 8 December 2009 (S/2009/637), concerning your intention to designate Major General Abdul Hafiz (Bangladesh) as Commander of the United Nations Operation in Côte d'Ivoire has been brought to the attention of the members of the Security Council, who have taken note thereof.

(*Signed*) Michel **Kafando**
President of the Security Council

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Letter dated 14 December 2009 from the Secretary-General addressed to the President of the Security Council

I have the honour to refer to resolution 1891 (2009) concerning the Sudan, adopted by the Security Council on 13 October 2009. The Council decided in paragraph 1 of the resolution to extend until 15 October 2010 the mandate of the Panel of Experts originally appointed pursuant to resolution 1591 (2005) and previously extended by resolutions 1651 (2005), 1665 (2006), 1713 (2006), 1779 (2007) and 1841 (2008) and requested me to take the necessary administrative measures.

Accordingly, I wish to inform you that I have appointed the following four experts to serve on the Panel of Experts until 15 October 2010:

Mr. Abdelaziz Abdelaziz (United States of America)

Mr. Nils Holger Anders (Germany)

Mr. Thomas Bifwoli (Kenya)

Mr. Bahlakoana Shelile (Lesotho)

A fifth expert will be proposed shortly.

I have also designated Mr. Bifwoli to serve as Coordinator of the Panel of Experts.

I should be grateful if you would bring this information to the attention of the members of the Security Council.

Please accept, Mr. President, the assurances of my highest consideration.

(*Signed*) **BAN** Ki-moon

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